

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

In re: Tagnetics, Inc.

* Case No. 19-30822
*
* Judge Humphrey
* Chapter 7

TAGNETICS, INC.'S MOTION TO RESCHEDULE EVIDENTIARY HEARING

Tagnetics, Inc. ("Tagnetics"), by and through its undersigned counsel, hereby submits this Motion to Reschedule Evidentiary Hearing, which is currently scheduled to take place on June 25, 2020 [Doc. #182]. Tagnetics asks that this Court rule on this Motion on an expedited basis with the evidentiary hearing currently scheduled 13 days from now. In support of this Motion, Tagnetics states as follows:

1. The Court ordered the evidentiary hearing in response to the Motion to Hold Tagnetics in Criminal Contempt, which was filed by Kenneth Kayser, Ronald Earley, and Jonathan Hager (collectively, the "Remaining Petitioning Creditors").

2. The Court ordered the evidentiary hearing before Tagnetics filed its Opposition to the Motion to Hold Tagnetics in Criminal Contempt. Tagnetics' Opposition asserts this Court does not have authority to conduct a criminal proceeding or issue criminal sanctions against Tagnetics.¹

3. This Court should make a determination prior to the date of the evidentiary hearing so that Tagnetics knows whether it needs to retain criminal defense counsel.²

¹ Tagnetics filed its Opposition to the Motion to Hold Tagnetics in Criminal Contempt the same day it filed this Motion to Reschedule.

² The undersigned counsel is not a criminal defense lawyer and would not represent Tagnetics in any criminal proceeding.

4. In addition, as explained in Tagnetics' Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics,³ this proceeding has been used as a tool to repeatedly engage in tortious conduct that clearly is intended to inflict substantial economic harm on Tagnetics and its affiliate, Compass Marketing, Inc. Tagnetics should be given the opportunity to conduct such discovery prior to any evidentiary hearing.

5. For the sake of brevity and to avoid redundancy, Tagnetics respectfully refers to and incorporates by reference its Opposition to the Motion to Hold Tagnetics in Criminal Contempt and its Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics.

WHEREFORE, Tagnetics respectfully requests that this Court rule on this Motion on an expedited basis, grant this Motion, reschedule the evidentiary hearing currently scheduled for June 25 and, prior to rescheduling the evidentiary hearing, (1) issue a ruling on whether this Court will be conducting a hearing to determine whether criminal sanctions should be issued against Tagnetics; and (2) grant Tagnetics sufficient time to conduct discovery related to the tortious conduct it has been the subject of in connection with this proceeding.

Dated: June 12, 2020

Respectfully submitted,

/s/ Stephen B. Stern

Stephen B. Stern, Admitted Pro Hac Vice
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*Counsel for Alleged Debtor
Tagnetics, Inc.*

³ Tagnetics filed its Motion to Conduct Discovery Related to Tortious Conduct Directed at Tagnetics the same day as it filed this Motion to Reschedule.

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2020, a copy of the foregoing Notice of Appeal was served (i) **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) electronically by email to Kenneth W. Kayser. (drkwkayser@gmail.com), Ronald E. Early (ronald.earley1@gmail.com) and Jonathan Hager (pufferboater@gmail.com), and (iii) by **First Class U.S. Mail** on June 12, 2020 to Kenneth Kayser and MaryAnne Wilsbacher at the addresses below, and (iv) FedEx to Ronald Earley and Jonathan Hager at the addresses below:

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PO Box 115
Catawba, VA 24070

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Jonathan Hager
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MaryAnne Wilsbacher
Office of the United States Trustee
170 North High Street
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Columbus, Ohio 43215

/s/ Stephen B. Stern
Stephen B. Stern